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File No. Sketch File 54 Wise County

Surveyor's Report Accompanying Rolled Sketch 8

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Jerry Patterson, Commissioner

SURVEY REPORT

By Douglas Howard

Re.: Four tracts of land considered potential land vacancies between the J. M. Standefer Survey (Fan. 3-2896), Abstract No. 772, Thomas Dean Survey (Fan. 1-717), Abstract No. 238, Thomas Cogdell Survey (Fan. 3-3242), Abstract No. 189, J. M. Holmes Survey (Fan. S-15732), Abstract No. 1165, Antonio Vasquez Survey (Fan. 1-572), Abstract No. 858, and Survey No. 17 of the Texas & Pacific Railway Company Survey (Fan. S-10574), Abstract No. 843, Wise County, Texas.

On August 29, 2007, our company was hired to perform a boundary survey on approximately 1,250 acres of land, known as the Hired Hand Mule Ranch, in Wise County, Texas, to resolve a couple of issues that have arose recently by Ms. Aileen Neil. She was concerned with a boundary line issue on the north line with her neighbor and with two potential vacancies shown on a survey performed for gas well locations within her ranch. A copy of the survey was supplied to aid in our research of these claims. This survey was performed by Ira J. Schoppa, Texas Registered Professional Land Surveyor #5599, for Dark Horse Operating Co., L.L.C. (Neil #1 Staked Location; July 6, 2006) This survey showed an open area between the David Gregory Survey, Abstract No. 327, the J. M. Holmes Survey, Abstract No. 1165, the R. O. Robinson Survey, Abstract No. 1241, and the L. M. Rodermell Survey, Abstract No. 719, as well as, another open area between the D. J. Simpson Survey, Abstract No. 1463, the William H. H. Bradford Survey, Abstract No. 80, the R. O. Robinson Survey, Abstract No. 1241, and the William H. H. Bradford Survey, Abstract No. 76. The boundary line dispute lies in the area between the David Gregory Survey, Abstract No. 327, and the R. O. Robinson Survey, Abstract No. 1241.

My initial research began with getting copies of the original field notes from the Texas General Land Office on all the surveys that the ranch was situated on. These surveys were the following:

- G. H. Burdett Survey (Fan. 1-375 ½), Abstract No. 28
- Antonio Vasquez Survey (Fan. 1-572), Abstract No. 858
- Memphis, El Paso & Pacific Survey (Fan. 107455), Abstract No. 1468
- Texas & Pacific Railway Survey (Fan. S-10574), Abstract No. 843
- Thomas F. McKinney & Samuel M. Williams Survey (Fan. S-1235), Abstract No. 610
- J. M. Standefer Survey (Fan. 3-2896), Abstract No. 772

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- Thomas S. Cogdell Survey (Fan. 3-3242), Abstract No. 189
- Thomas Dean Survey (Fan. 1-717), Abstract No. 238
- Benjamin Monroe Survey (Fan. 3-3484), Abstract No. 578
- W. H. H. Bradford Survey (Fan. 3-4022), Abstract No. 80
- W. H. H. Bradford Survey (Fan. 3-3029), Abstract No. 76
- D. J. Simpson Survey (Fan. SF-7098), Abstract No. 1463
- C. J. Browder Survey (Fan. S-1625), Abstract No. 126
- J. M. Holmes Survey (Fan. S-15732), Abstract No. 1165
- R. O. Robinson Survey (Fan. P-2913), Abstract No. 1241

With these notes, my first task was to create a working sketch. With any sketch, I begin with the oldest survey and create the surveys on paper as they would have been done at the beginning. This quickly opened up a number of issues in this area beyond the original problems to be addressed.

History

This is an old area that was developed before Wise County was created. The area was in the Denton Land District. It was also in the northern area of the Memphis, El Paso & Pacific Railroad Reservation. The first survey in this area was the Burdett Survey in 1854 by William C. Twitty, the Deputy Survey of the Cooke Land District. Even though this was performed by the Cooke Land District, it was filed in the Denton Land District. This survey was brought up from the south. The next survey was the Vasquez Survey by A. J. Thomson, Deputy Survey of the Denton Land District, on October 24, 1854. This survey gives a direct tie to the northeast corner of the Burdett Survey on its southernmost survey line. However, its beginning corner is its northwest corner being tied to the northeast corner of a survey in the name of Nancy Williams, which turns out later to be an abandoned survey relocated elsewhere.

The next oldest survey is the Cogdell Survey. This survey was originally surveyed on June 12, 1855 by R. W. Allen, District Surveyor of the Denton Land District. It was tied to a survey to the north that was patented to John Armstrong and issued to Benjamin Monroe who transferred it to John Armstrong. This survey was questioned to its location by the Wise County Commissioners. Therefore, J. W. Hale, Wise County Surveyor, was authorized to perform a resurvey on June 20, 1859. Mr. Hale re-wrote the field notes to give it a new beginning point. Included in his work submitted to the Texas General Land Office was a survey report. In this report, he noted that the subject tract was correct to its location and that when he ran out his lines to the east it was "just 20 varas east to the west boundary line of the Vasquez Survey, 580 varas north of the most north southwest corner." The new beginning point refers to one of the eastern corners of the Dean Survey which was surveyed by J. A. Carroll, Deputy Survey of the Denton Land District, on August 16, 1855, and just a few months after the original survey of the Cogdell Survey making the Cogdell Survey senior.

The Dean Survey and the Phillip Turrian Survey (Fan. B-614), Abstract No. 824, was surveyed by the same surveyor on the same date, therefore, in this case, considered simultaneous surveys.

Along with these surveys, the Standefer Survey was surveyed by Mr. Carroll just two days prior to the Dean and Turrian Surveys.

The McKinney and Williams Survey was surveyed by A. M. Keen, Deputy Surveyor of the Denton Land District, on November 4, 1857. This survey begins 110 varas north of the northwest corner of the Burdett Survey and gives a passing tie to the southwest corner of the Standefer Survey on its north boundary line at 974 varas from its northeast corner. This now will tie the surveys in the east to the surveys in the west.

The next surveys will be placed in like puzzle pieces. After the surveys are in place, we immediately noticed large amounts of excess land in the east-west directions. The purpose for this survey report is to describe the area between the Cogdell Survey and the Standefer Survey. There is also an area between the Cogdell Survey and the Vasquez Survey and between Section 17 of the Texas & Pacific Railway Company Survey, the Section 16 of the Memphis, El Paso & Pacific Survey and the Burdett Survey.

First area in question between the Cogdell and Vasquez surveys. The Cogdell Survey was originally performed by R. W. Allen, District Surveyor of Denton Land District, on June 12, 1855. He began on the south line of the Monroe then proceeded, counter clockwise, without ties to any adjoiners. The only senior survey in the area at this time was the Vasquez Survey (located to the east), surveyed on October 24, 1854. The Dean Survey (located to the west) was surveyed a couple of days more than a month later. In the Cogdell patent was another set of field notes that was used for the patent. It was authorized by the Wise County commissioners as to locate the correct position on the Cogdell presumable because of the vague beginning call. J. W. Hale, Wise County Surveyor, was assigned this task and surveyed it on June 10, 1859. He used the same beginning corner but with a different tie. He had tied it to the eastern most northeast corner of the Dean Survey. He then goes clockwise giving ties to the south line of the Monroe Survey and a passing call to the Monroe Survey's southeast corner; without a distant in the field notes. Mr. Hale uses the same distances and corner descriptions but reverses the calls. Mr. Hale also gave a survey report with the field notes. In his survey report he notes that the original survey was correct and in its correct position as surveyed in 1855 by Mr. Allen. Mr. Hale also states that the monumentation from the original survey was found and honored in his survey. The survey report gives the tie to the southeast corner of the Monroe Survey at 1122 varas. He also states that the east line of the Cogdell Survey was short of the Vasquez Survey's west line by 20 varas.

The Vasquez Survey was surveyed by A. J. Thomson, Deputy Surveyor of the Denton Land District, on October 24, 1854. That makes this survey one of the earliest surveys in the area. This survey began at its northwest corner at the northeast corner of a survey in the name of Nancy Williams being a stone mound. The Williams Survey was eventually abandoned and relocated in a different land district. The area of this corner was destroyed through years of occupation by the county road, fence lines, and recently pipeline construction. The calls go

clockwise. There is major excess in this survey but we will focus on the west boundary line. The northern southwest corner gives an adjoining tie to the east boundary line of the Williams Survey and no monumentation. There appears to be no occupation of this survey line.

As mentioned earlier, this area is an old area. The lands surrounding the subject ranch has been slowly developing and county roads have been built along survey lines. Other survey lines have been transformed into lines of occupations and fences have been built and moved throughout the 154 year history. Finding these original corners will be next to impossible. Therefore, I began to research the evolution of these corners and lines by performing a title search of the subject tract. This was futile due to the description used for almost one hundred years was a "watered down" version of the original patented field notes. I researched our company records that date back into the late 1800s from the former county surveyors, A. Devereux and Jeff Fox. There were some surveys that was done around the ranch and one that was done on our subject ranch. The Wise County tax maps from the early 1930s that are on display at the Wise County Clerk's office gave us some information as to the excess that has plagued this area.

Reconstruction

In the information provided to me was a survey that showed a rock mound that was being honored as the southwest corner of the Holmes Survey, being along the north line of the Cogdell Survey (Fig. 1). The rock mound has weathered time and is no longer a standing monument. I also found a 120d nail driven near the center of this mound. There is an ancient fence row mound heading off in the north direction from this monument too.

Fig. 1 Rock Mound found for the southwest corner of the J. M. Holmes Survey.

After several weeks of searching for other monuments or evidence thereof, I finally came across another set of rocks that were located in a searchable area for the southeast corner of the Holmes

Survey. These rocks were uniquely positioned and awkwardly out of place in an area where no rocks are located. (Fig. 2) The bearing and distance to the southwest corner of the Holmes Survey did not fit the calls. These rocks were found to be located 225.27 varas N 86°18'03" E from the first found rock mound in figure 1, making it 8.27 varas too long and just under 4° off of the correct angle. I also noted that the second set of stones were definitely older than the first found set of rocks. Knowing the original and corrected field note calls on the Holmes Survey, I then decided to use this monument to calculate another searchable area for the original called distance to the southwest corner of the Holmes Survey at 285 varas west, same being the southeast corner of the Monroe Survey. This corner gave me a descriptive call of it being "under the edge of a prairie bluff". After searching the area, I found a well preserved rock mound, for its age, on the slope of this prairie bluff. (Fig. 3) This distance was 10.64 varas long of the called for distance on the original Holmes Survey. I began to reread through some of the surveys again when I started to use the 20 vara space between the Cogdell Survey and Vasquez Survey. This could mean the Holmes Survey's southeast corner may have been located 20 varas, plus or minus, to the east of the second rock mound found (fig. 2) originally for the southeast corner. I then did a calculation that would have made that monument the northeast corner of the Cogdell Survey and the rock mound found on the slope (fig. 3) was within 7.36 varas of fitting the calculated distance from the survey report of J. W. Hale in the Cogdell Survey. I decided to make the second set of rocks found in figure 2 the ostensible northeast corner of the Cogdell Survey. Honoring this as the northeast corner of the Cogdell Survey, it checks within 4.2 varas to the occupied and honored northwest corner of the Cogdell Survey.

Fig. 2 Different angles of a set of rocks considered to be the Rock Mound called for to be the northeast corner of the Cogdell Survey.

Fig. 3 Rock Mound on the slope of the prairie bluff called for to be the original southwest corner of the Holmes Survey.

With no monumentation or any other evidence available, other than a locative call found in the notes of the Texas & Pacific Railway Company Survey, Abstract No. 843, for its northern northwest corner, being the northern southwest corner of the Vasquez Survey, stating it has a visual on the town of Decatur. This corner falls just on the back side of a hill where the town cannot be seen. I proceeded to establish the northern west boundary of the Vasquez Survey using the called for distance of 1227 varas from the reconstructed inner ell corner of the Vasquez Survey. This was decided from the results of the southerly south line of the Vasquez Survey begin found within 12 varas using locative and passing calls of its overall called for distance and the lack of any evidence of the original northerly west line of the original survey line for the Vasquez Survey.

The calculated southeast corner of the Cogdell Survey was done by using a right angle construction from the honored and undisputed southwest corner of the Cogdell Survey being a found original post oak stump being used as a fence corner post. The accessory to this corner would have been destroyed by a transmission line running just east of this corner. The south

boundary line of the apparent vacancy is the extension of the aforementioned constructed northerly southwest corner of the Vasquez Survey and the east line of the Cogdell Survey. The reconstruction of surrounding surveys leaves the remaining land between them considered unsurveyed, unsold public school land containing 11.86 acres of land, more or less, and being called Tract No. 4.

The next area of question is between the Cogdell Survey and the Standefer Survey. The Standefer Survey was surveyed by J. A. Carroll, Deputy District Surveyor for the Denton Land District, on August 14, 1855. This was just less than two months after Mr. Allen surveyed the Cogdell Survey. Mr. Carroll also surveyed the Dean Survey, two days later, and the Turrian Survey on the same date. He began this survey 15 varas north of the northeast corner of the Turrian Survey and gives his calls counter clockwise without adjoining calls. The Turrian Survey's north line has been occupied and partially used as public roads for years. I attempted to reconstruct this corner from the tracts that was comprised from it. A 60d nail was found at the eroded base of a bois d'arc corner post. The calculated northeast corner of the Turrian Survey, based on a recent survey done in this corner, places it in a washed out ravine, 6.74 varas North 5°25'32" East from the nail. The south line of the Standefer Survey was determined from a rock mound and stake found for its southeast corner (Fig. 4) and the common occupied southwest corner of the Standefer Survey and the northerly southeast corner of the Turrian Survey. This makes the west line of the Standefer Survey 57.944 varas in excess. So I held the calculated northeast corner of the Turrian Survey and went 15 varas in line from the southwest corner of the Standefer Survey and the northeast corner of the Turrian Survey to establish the northwest corner of the Standefer Survey. This is the southwest corner of the apparent vacancy. This corner is 80.274 varas deficient from reaching the extended bearing of the south line of the Cogdell Survey. The south line of the Cogdell Survey was established from the calculation of the perpendicular construction of the found original southwest corner and its northeast original corner. The Dean Survey was to go from the southwest corner of the Cogdell Survey, which it does not call for, West 232 varas, then South 15 varas to the southwest corner of the Dean Survey and the northeast corner of the Turrian Survey. Therefore, I extended the south line of the Cogdell Survey and the west line of the Standefer Survey and created the southern ell corner of the Dean Survey. This will be the northwest corner of the apparent vacancy.

Fig. 4 Rock mound with a stake found considered being the southeast corner of the Standefer Survey and the inner ell corner of the Texas & Pacific Railway Company Survey.

The northwest lines of the Texas & Pacific Railway Company Survey No. 17 was reconstructed by beginning at the original rock mound found (Fig. 4) at its inner ell corner located in the Standefer Survey's southwest area. From here the west line was ran by going the called for distance of 780 varas and holding this aforementioned rock mound and the occupied northeast corner of the Standefer Survey being a 60d nail found in the center of Wise County Road No. 4360. It is further defended by bearing trees found as called for in the Texas & Pacific Railway Company Survey and the Neil deed. The northwest corner of the Texas & Pacific Railway Company Survey called to terminate in the northern boundary of the railroad reserve being "…57 varas south of the northeast corner of the Standefer Survey." Using the method of reconstruction, the north line of the reservation ends up being within 2 varas of this called for distance. The surveyor for the Texas & Pacific Railway Company, Charles H. Juni, knew that the adjoining survey to the north was located further north. He could not extend his boundary beyond the reserve boundary to adjoin the two surveys. From here, the north line of the Texas & Pacific Railway Company Survey was reconstructed using the bearings, after translation, and distances from the patented field notes until the call to the northern northwest corner where the distance had to be extended to reach the south reconstructed line of the Cogdell Survey.

The nail found for the northeast corner of the Standefer Survey will be an inner ell corner on the south line of this area in question. The continued south line of this area will be the north line of the Standefer Survey which is the connection of the nail in the county road to the calculated corner 15 varas north of the northeast corner of the Turrian Survey. Due to a lack of adjoining calls in both the Cogdell Survey and the Standefer Survey and the already existing excess acreage in both the Cogdell Survey (amount being 4.75 acres, more or less, in excess) and the Standefer Survey (amount being 13 acres of land, more or less, in excess). The remaining land between these is considered unsurveyed, unsold public school land containing 18.29 acres of land, more or less, and being called Tract No. 1.

The last area in question was an area between the Burdett Survey, Section 17 of the Texas and Pacific Railway Company Survey and the Fred Keeler Survey, Abstract No. 1468, which came out of the creation of my working sketch of these surveys. My search begins on this survey with trying to locate the northeast corner of the McKinney and Williams Survey, called rock marked "C J B" with a china berry tree bearing witness North 72° East 24 ¼ varas. I chose this corner because of the fact that the china berry tree is rare in the area. I located one inside the ranch in the low area below the ridge of a plateau. In the area of this corner, I did not find any type of tree that would resemble a china berry tree. I then went east to an ancient fence that would have occupied the west line of the Texas & Pacific Railway Company Survey, surveyed by Charles H. Juni, Surveyor for the railroad company on October 17, 1875, and the east line of the Standefer Survey. This corner is called to be a stake and rock mound in the Texas & Pacific with a bearing tree being a Post Oak marked "X" located North 52° East 68 varas and just a mound of rock in

the Standefer. In the deed into A. Neil Family, Volume 1518, page 60, Official Records, tract "C" has a slightly different description to that corner as being " a stake and pile of stone under fence, a corner, from which a Post Oak 30 inches in diameter bears North 01° West 56 varas." I was able to locate this stake and rock mound with the witness tree as described in deed (Fig. 4). I was unable to locate the witness tree in the original field notes, my guess is that it would have been destroyed due to a gas pipeline now located in that area. I will honor this corner at this point until I can find something else that would dispute it.

I then went with the west line of the Texas & Pacific Railway Company Survey and the east line of the Standefer Survey, down the center of Wise County Road No. 4360, to a 60d nail found. The original field notes on the Texas & Pacific Railway Company Survey was a stake being 57 varas South of the northeast corner of the Standefer Survey having three witness trees; a Post Oak located North 16° West 21 varas, a Post Oak located South 18° East 14 varas, and a Black Jack located South 65° West 7 varas. The Standefer Survey has described this corner as just a stake and no witness trees and no adjoiners. In the above mentioned Neil deed, it called to be a point in the south boundary of the Cogdell Survey "in the center of a public road, whence a Post Oak 12 inches in diameter bears South 81 ½° West 10 varas." The said nail falls in the center of the county road and upon further inspection of the witnesses, I found what appears to be the 12 inch Post Oak as called for in the deed, plus what appears to be the Post Oak located 21 varas North 16° West as described in the original field notes. This gives me some confidence to the reconstruction of this corner. The distance to the previous corner is in excess of 55.23 varas with the Texas & Pacific Railway Company Survey's call of 780 varas and 59.23 varas in excess with the Standefer Survey's call of 776 varas but it is only 4.77 varas short from the distance given in said deed. Therefore, I followed the reconstruction of the northwest area of this survey as described in the above vacant tract.

Our company recently surveyed 538 acres located in the northern part of the Burdett Survey in 2006. During this survey, we located a pipe found to be its northeast corner on the Vasquez Survey's south boundary line. The original corner called to be a post with two witnesses, a Post Oak located 10 varas South 82° East and a Post Oak located 11 varas North 89° East. Neither one of these trees where found near the pipe. Upon further surveying, an original rock mound located further east on the Vasquez Survey's south boundary line, said rock mound being the westerly northwest corner of the Smith County School Land Survey (Fan. 1-576 ½), Abstract No. 744, and the northeast corner of the Asbery J. Badger Survey (Fan. 14252), Abstract No. 1061. The tie from this rock mound to the pipe was within 23.29 varas, in excess, from the calculated tie. This line was extended to the east boundary line of the McKinney and Williams Survey. The overall north boundary line of the Burdett Survey was 98.06 varas in excess. This is just a portion of the amount of gross excess mentioned earlier in the east-west direction in this area of surveys. A portion of the north boundary line of the Burdett was cleared for a gas pipeline destroying any evidence of the three calls of the south boundary line of the Texas & Pacific Railway Company Survey. My reconstruction of this line was done by running out the

course and distances of the calls in the original field notes from the intersection of the southeast corner of the Texas & Pacific Railway Company Survey with the northern boundary line of the Burdett Survey. The last call intersected the eastern boundary line of the McKinney and Williams Survey. This created an area of unsurveyed, unsold school land of 9.29 acres, more or less, being called Tract No. 2.

The other tract of land is adjacent to above described vacancy. The survey located to the east of the Texas & Pacific Railways Company Survey is Section 16 of the Memphis, El Paso & Pacific Railroad Company Survey, now known as the Fred Keeler Survey, Abstract No. 1468. This survey was located by William Bramlette, Deputy Surveyor for the railroad company, on March 3, 1859. He begins at a rock mound found to be the southern southwest corner of the Vasquez Survey. This rock mound was not found due to a graveled oil field road and neither was one of the witnesses to a post oak South 13 ½° East, however, the witness call to the vague "clump of brushy top trees in a draw" located North 28 ½° East was identified. Then for some reason as the same as the Texas & Pacific Railway Company Survey, he takes off on a course that does not parallel nor bounds the north line of the Burdett Survey, to a mound of "Earth and rocks" on the "slope of a round point of a ridge". The mound was not found but the calculated position of the point from previous located monuments place it at a place on this described ridge. The north two corners were not found to exist. I reconstructed the south boundary line of the Memphis, El Paso & Pacific Railroad Company Survey from the calculated southern southwest corner of the Vasquez Survey on the north boundary line of the Burdett Survey with the said call course and distance as called for in the original field notes. This leaves an area bounded to the west by the newly constructed Texas & Pacific Railway Company Survey's eastern boundary being extended to the northern boundary of the Burdett Survey by virtue of the adjoining call. That particular adjoining call also called for it to be the southwest corner of the Memphis, El Paso & Pacific Railroad Company Survey but since it is its junior it will not pull the senior corner down leaving it at its called position. This leaves another area of unsurveyed, unsold school land of 0.03 acres, more or less, being called Tract No. 3.

It is my assumption that the latter two vacancies were a result of the usage of the railroad surveyor not having a current county map to base their holding from. I have in my possession a county map of the railroad company dated in the 1870s which show two surveys in the northwest corner of the Burdett which apparently were abandoned due to their conflict with the Burdett Survey. However, their shape of the north lines of these surveys match the shape of the survey provided for patent for both the Texas & Pacific Railway Company Survey and the Memphis, El Paso, & Pacific Railway Company Survey.

Conclusion

It will be my suggestion to my client to purchase the described vacancies from the State of Texas under the vacancy act since her current deed includes such area. I will also suggest that she clear

up here title by purchasing the amount of excess land found in the other surveys contained within the estate deed from the state by a deed of acquittance.

I have exhausted my efforts in trying to locate any additional monumentation and accessories in this area. The above determination of the original survey's location is based on a careful and diligent on the ground survey and research from multiple sources. I have prepared a plat of this survey showing the construction of the surrounding surveys. The survey is tied into the Texas State Plane Coordinate System, North Central Zone, NAD 83, by locating the NGS triangulation station "Woodie" (PID: DN0784) just to the north of this survey in the Antonio Vasquez Survey. This concludes my survey report on the vacant tract of land in Wise County, Texas.

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Texas Licensed State Land Surveyor